

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

DOMINION ENERGY BRAYTON
POINT, LLC,

Plaintiff,

vs.

MICHAEL O. LEAVITT,
in his capacity as Administrator
of the U.S. Environmental Protection
Agency, et al.,

Defendants.

No. 04-12225 (RCL)

**DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY
MEMORANDUM IN SUPPORT OF MOTION TO DISMISS**

Defendants Michael O. Leavitt, Administrator of the U.S. Environmental Protection Agency, the U.S. Environmental Protection Agency, and Region I of the U.S. Environmental Protection Agency respectfully move this Court pursuant to Local Rule 7.1(b)(3) for leave to submit a Reply Memorandum in Support of Defendants' Motion to Dismiss in order to respond to issues of national significance raised in Plaintiff's Opposition to Defendants' Motion to Dismiss, and Defendants also restate their request for oral argument regarding their Motion to Dismiss pursuant to Local Rule 70.1(d). The grounds for the Defendants' Motion for Leave are more fully discussed in the accompanying Memorandum in

Support of Motion for Leave to File Reply Memorandum in Support of Motion to Dismiss.

Counsel for the Defendants certifies pursuant to Local Rule 70.1(a)(2) that the parties have conferred regarding this Motion, and Defendants have decided to oppose the relief requested herein.

Respectfully submitted,

Dated: January 25, 2005

By:


HEATHER E. GANGE

U.S. Dept. of Justice
Environment and Natural Resources
Division
Environmental Defense Section
P.O. Box 23986
Washington, DC 20026-3986
(202) 514-4206

MICHAEL J. SULLIVAN
United States Attorney
ANTON GIEDT
Assistant United States Attorney
U.S. Attorney's Office, Dist. of Mass.
U.S. Courthouse - Suite 9200
One Courthouse Way
Boston, MA 02210
(617) 748-3309

Counsel for Defendants MICHAEL O.
LEAVITT, Administrator; U.S.
ENVIRONMENTAL PROTECTION
AGENCY; and REGION I thereof

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing Motion for Leave to File Reply Memorandum in Support of Motion to Dismiss and Memorandum in Support of Motion for Leave to File Reply Memorandum in Support of Motion to Dismiss, were today served, this 25th day of January 2005, via first class mail, on counsel listed below:

Wendy B. Jacobs
John M. Stevens
Randall E. Kromm
FOLEY HOAG, LLP
155 Seaport Boulevard
Boston, MA 02210

and a courtesy copy was provided by electronic mail to:

WJacobs@foleyhoag.com
RKromm@foleyhoag.com


Heather E. Gange, Esq.